

### REMARKS/ARGUMENTS

This communication responds to the Office Action dated February 12, 2007. In that Office Action, the Examiner rejected claims 23, 25 through 33 and 35 through 42.

In this response, claims 23, 33 and 40 are amended. No new matter has been added by these amendments. In view of the amendments and the following remarks, Applicants respectfully request reconsideration and allowance of the pending claims.

Fig. 2B is also amended, as reflected in the attached Replacement Sheet. The replacement sheet includes amended Fig. 2B which is amended to include a dashed line indicating a plane through the elongated receiver portion separating the closed circumferential portion from the opened circumferential portion. According to MPEP 2163.07(a), the amendment to Fig. 2B does not add new matter because the plane separating the opened circumferential portion from the closed circumferential portion is inherent in the elongated receiver portion. It would be clear to one of ordinary skill in the art that the plane is present in the elongated receiver portion as claimed.

#### Rejections Under 35 U.S.C. §§ 102 and 103

Claims 23, 25, 27-33, 35 and 37-42 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,141,221 to Faulle, Jr. (hereinafter "Faulle").

Claims 26 and 36 were rejected under 35 U.S.C. 103(a) over Faulle in view of U.S. Patent Publication No. 2003/0188510 to Vargas (hereinafter "Vargas").

Claims 27 through 28 and 37 through 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Faulle in view of Japanese Patent No. 8-258851.

The rejections to the claims are traversed for at least the following reasons.

The sealing apparatus provided in the independent claims, as amended, includes an elongated semi-cylindrical receiver portion where a "central opening is bracketed by first and second ridges that extend along the length of the receiver portion, the opened circumferential

portion further having first and second lugs that extend along the length of the elongated receiver portion, each lug having a proximal and distal end arranged outside of a plane corresponding to said closed circumferential portion, the distal end of said lugs coupled to the opened circumferential portion spaced apart from the central opening and projecting generally outwardly away from the opened circumferential portion and in the direction of the central opening such that each of said first ridge together with said first lug and said second ridge together with said second lug provide an indented gripping surface adjacent to the central opening." Thus, the receiver portion of the sealing apparatus, as provided in the amended independent claims, includes ridges, which bracket the central opening, and lugs positioned on the opened circumferential portion. The ridges and the lugs are arranged on the opened circumferential portion in a manner such that indented gripping surfaces are formed adjacent to the central opening. Indented gripping surfaces provide benefits to the user because the indentation on either side of the central opening allows a user to place their fingers in the indentation to maintain their grip and to avoid having their fingers slip off of the lugs when opening the receiver portion.

Faulstich discloses a closure for flexible bags that includes a "generally U-shape cross-section having a pair of legs 14 and 15 which each terminate in a reinforcing or stiffening bead 14a and 15a, respectively along the outer edge thereof." Faulstich, col. 1, lines 65-67.

Vargas discloses a food bag quick-seal apparatus that includes "handle means 16 [that] comprise[] an elongate planar member 18 integrally formed with the C-shaped clamp member 14 such that the elongate planar member 18 is generally tangential to the elongate C-shaped member 14.

The Japanese patent discloses a clip that includes knob sections 71. In the translation of the Japanese patent it states: "By forming the knob sections 71 and 71 in the both sides of a base 22, flaving these knob sections 71 and 71 by hand, and pressing in the approach direction, the clip 70 by this example extends a base 22, and it constitutes it so that a slot may be extended and insertion of a punching part 21 can be performed easily."

The above-discussed references do not disclose indented gripping surfaces as provided in each of the independent claims 23, 33 and 40. That is, the cited references do not disclose a

"distal end of said lug coupled to the opened circumferential portion spaced apart from the central opening and projecting generally outwardly away from the opened circumferential portion and in the direction of the central opening such that each of said first ridge together with said first lug and said second ridge together with said second lug provide an indented gripping surface adjacent to the central opening."

In *Faulstich*, none of the figures depict an indented gripping surface. Similarly, neither the figures in *Vargas* nor the figures in the Japanese patent depict an indented gripping surface. Furthermore, none of the cited references disclose that the stiffening bead (*Faulstich*), planar member (*Vargas*) or knob sections (Japanese patent) can be arranged in a manner different from the arrangement provided in the figures. Because the cited references do not disclose indented gripping surfaces, as claimed, in their specifications or drawings, and because the cited references do not disclose that the stiffening bead, planar member or knob sections can be arranged differently, the cited references do not suggest an indented gripping surface provided by a first ridge together with a first lug and a second ridge together with a second lug.

In view of the reasons set forth above, reconsideration and withdrawal of the §§ 102 and 103 rejections are requested.

#### *Dependent Claims*

The right to argue dependent claims 24-32, 34-39 and 41-42 in a subsequent communication is reserved. However, because claims 24-32, 34-39 and 41-42 depend from their respective independent claims 23, 33 and 40, they are distinguishable over the cited art for at least the reasons set forth above, further in view of their additional recitations.

**CONCLUSION**

This application now stands in allowable form and reconsideration and allowance are respectfully requested.

No fee is deemed necessary. The Commissioner is also hereby authorized to charge any fee deficiency or credit any overpayment associated with this paper to Deposit Account No. 04-1420.

Respectfully submitted,

**DORSEY & WHITNEY LLP**  
**Customer Number 25763**

Date: March 15, 2007

By: \_\_\_\_\_



Bridget M. Hayden

Reg. No. 56,904

Phone: (612) 492-6867

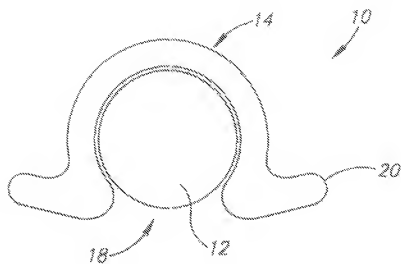


FIG. 2A

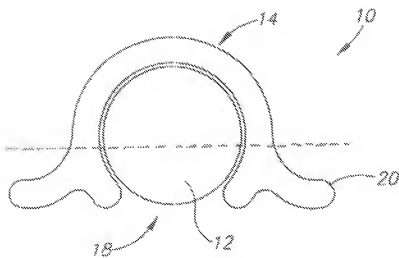


FIG. 2B